

**DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION – IN ADMIRALTY**

Penny Jo Barnett, individually and as )	Case Number: 2:20-cv-02517-DCN
Personal Representative of the Estate of )	
Edward Barnett, )	
) )	
Plaintiff, )	
) )	<b>Plaintiff's Pretrial Disclosures</b>
vs. )	
) )	
United States of America, )	
) )	
Defendant. )	
) )	

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Plaintiff hereby submits this Pretrial Disclosure pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure:

1. The name and, if not previously provided, the address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises.

**Answer:**

**Witnesses Plaintiff expects to present:**

- a. Penny Barnett
- b. Chris Barnett
- c. Todd Barnett
- d. Bryan Johnson (USCG)
- e. Matthew Boles (USACE)
- f. Scott Glass (USACE)
- g. Dwaine Harris (USCG Aux)

- h. Justin Heck (USCG)
- i. Christopher Wright (USACE)
- j. Melody Keller
- k. Dana Andrew Quattlebaum
- l. Robert Murphy
- m. Adam Smoak
- n. Mike Bauers (N. Chas. Fire Dept.)
- o. Richard Dube (N. Chas. Fire Dept.)
- p. John Nicholson (N. Chas. Fire Dept.).
- q. Kyle D. Lewis (N. Chas. Fire Dept.)
- r. Stephanie Borzendowksi, Ph.D. (Plaintiff's retained expert witness).
- s. Sarah Tuuk (Charleston County Deputy Coroner)
- t. Rae Wooten
- u. Brian Hall (Defendant's retained expert witness).

**Witnesses Plaintiff may present:**

- a. Harold Lee Waeford (N. Chas. Fire Dept.)

2. The designation of those witnesses whose testimony the party expects to present by deposition.

**Answer:**

- a. David Browne (USCG)
- b. Andrew Mark Engle (USCG)
- c. Rachel Honderd (USACE)
- d. Richard Keefauver (USCG)

- e. David Merrill (USCG)
- f. William Yarbrough, M.D. (Plaintiff's retained expert witness)
- g. M. Brian McDonald, Ph.D. (Plaintiff's retained expert witness)

3. An identification of each document or other exhibit, including summaries of other evidence – separately identifying those items the party expects to offer and those it may offer if the need arises.

**Answer:** Plaintiff expects to offer the following exhibits at trial:

<b>Exhibit No.</b>	<b>Bates No.</b>	<b>Description</b>
No. 1	US00028	Video of contraction dike
No. 2	US001305	Video of contraction dike
No. 3	US001306	Video of contraction dike
No. 4	US001307	Video of contraction dike
No. 5	US001308	Video of contraction dike
No. 6	US000232-000233	Photographs
No. 7	US000234-000236	Photographs
No. 8	US0001282-001283	Photographs
No. 9	US000229-000230	Image
No. 10	US001284	Image
No. 11	US000153	PATON Application
No. 12	US000190	Light List 29 March 2011
No. 13	US000225	Cooper River Dike Light 49A (LLNR 2805) FID
No. 14	US000224	LLNR Aid Chart Corrections
No. 15	US000794-000800	PATON Inspection Documents
No. 16	US000801-000810	Additional Private Aid Documents
No. 17	US000811-000813	Emails
No. 18	US00817	Emails
No. 19	US000819-000829	Emails
No. 20	US000832-000835	Emails
No. 21	US000837-000838	Emails
No. 22	US000840	Emails
No. 23	US000850	Emails
No. 24	US000858000860	Emails
No. 25	US000863-000864	Emails
No. 26	US000873-000875	Emails
No. 27	US000879-000887	Emails
No. 28	US000900	Emails
No. 29	US000912	Emails
No. 30	US000913-000914	Emails

No. 31	US000917	Emails
No. 32	US000921	Emails
No. 33	US00933	Emails
No. 34	US000943	Emails
No. 35	US000948	Contraction Dike Light Memo
No. 36	US000949-000950	Packing list
No. 37	US000951-000954	Fed. ATON Operation Request Supplement
No. 38	US000955	USCG District Memo
No. 39	US000956-000957	Lantern price list
No. 40	US000958-000961	Lantern selection tool
No. 41	US000962-000967	FEMS printout
No. 42	US000968	Lantern quote
No. 43	US000969	SAS Form 8
No. 44	US000972-000977	Cooper River Lighted Buoy 48A (LLNR 2801) FID
No. 45	US001068-001069	Portion of Aids to Navigation Manual Administration (NOTE: Entire Manual marked as No. 115).
No. 46	US001077	Portion of Aids to Navigation Manual Administration
No. 47	US001080-001085	Portion of Aids to Navigation Manual Administration
No. 48	US001112	Portion of Aids to Navigation Manual
No. 49	US001115	Portion of Aids to Navigation Manual
No. 50	US001117	Portion of Aids to Navigation Manual
No. 51	US0001126-001127	Portion of Aids to Navigation Manual
No. 52	US001132	Portion of Aids to Navigation Manual
No. 53	US001134-001135	Portion of Aids to Navigation Manual
No. 54	US001152	Portion of Aids to Navigation Manual
No. 55	US001160	Portion of Aids to Navigation Manual
No. 56	US001161	Portion of Aids to Navigation Manual
No. 57	US001164-001165	Portion of Aids to Navigation Manual
No. 58	US001171	Portion of Aids to Navigation Manual
No. 59	US001236	Letter
No. 60	US001238	Letter
No. 61	US001247	Emails
No. 62	US001251-001252	Emails
No. 63	US001259-001261	Emails
No. 64	US001266	Emails
No. 65	US001286	Emails
No. 66	US001289	Emails
No. 67	US001291	Emails
No. 68	US001295	Image of lights
No. 69	US001296-001300	Image comparing lights
No. 70	US001585-001587	Portion of USCG ATON Manual Technical (NOTE: Entire Manual marked as Exhibit No. 116)

No. 71	US001625	Portion of USCG ATON Manual Technical
No. 72	US002823-002824	Portion of Cooper River Dike Light 49A I-ATONIS
No. 73	US002830	Aid Verification 4/19/19
No. 74	US002856-002857	11/19/98 letter re Refurbish/Construction of Dikes
No. 75	US00285-002859	Emails
No. 76	US2864-002865	Portion of WAMS study (NOTE: entire WAMS study marked as Exhibit No. 117)
No. 77	Barnett v. USA 00274, 000275, 001812, 001813, 001814, 001815, 002027, 002457, 002458, 002459, 002460, and 002461	Emails re status of lights.
No. 78	Barnett v. USA 002497-002638	Survey Report
No. 79	US002890	Portion from Effectiveness of Contraction Training Dikes at Charleston Harbor 1992 (NOTE: Entire document marked as Exhibit 118)
No. 80	US002875	Portion of WAMS study
No. 81	Barnett v. USA 002676	Emails
No. 82	US003699-003702	Light Positions
No. 83	Intentionally blank	
No. 84	Intentionally blank	
No. 85	Intentionally blank	
No. 86	Intentionally blank	
No. 87	Intentionally blank	
No. 88	US000183-000184	LNM 13/11 29 March 2011
No. 89	US000226-000227	7/7/18 emails
No. 90	US000019-000020	7/9/18 emails
No. 91	US000224	7/7/18 FID
No. 92	Intentionally blank	
No. 93	US000856	Emails
No. 94	US000940	Emails
No. 95	US002871	Portion of WAMS study
No. 96	US002873	Portion of WAMS study
No. 97	US003706	Email
No. 98	US3703	Image
No. 99	US003663	Emails
No. 100	US000808-000810	Photos of Dike
No. 101	US002841	Photo of Dike
No. 102	US003695	Photo of Dike
No. 103	US003670	Photo of Dike (2019 allision)
No. 104	US003718	Image
No. 105	US000865	Emails

No. 106	US000229	Images
No. 107	US003668	Video of contraction dike
No. 108	US003669	Video of contraction dike
No. 109	Intentionally blank	
No. 110	Intentionally blank	
No. 111	US001294-001300	Images with notes
No. 112		CV of Brian McDonald, Ph.D.
No. 113		Report of Brian McDonald, Ph.D.
No. 114	US000160-000221	LNM 13/11
No. 115	US000978-001235	Aids to Navigation Manual Administration
No. 116	US001309-001903	Aids to Navigation Manual Technical
No. 117	US002860-002880	WAMS study
No. 118	US2881-003012	Effectiveness of Contraction Dikes at Charleston Harbor 1992
Ex. 119		LNM 27/18 03 July 2018
Ex. 120		CV of William Yarbrough, M.D.
Ex. 121		Report of William Yarbrough, M.D.
Ex. 122		CV of Stephanie Borzendowski, Ph.D.
Ex. 123		Report (Supplemental) of Stephane Borzendowski, Ph.D.
Ex. 124		C.V. of Marshall White, M.D.
Ex. 125		Report of Marshall White, M.D.
Ex. 126		Family photograph
Ex. 127		Family photograph
Ex. 128		Family photograph
Ex. 129		Family photograph
Ex. 130		Family photograph
Ex. 131		Family photograph
Ex. 132		Photograph of GPS
Ex. 133		Photograph of GPS
Ex. 134		Photograph of GPS
Ex. 135		Photograph of GPS
Ex. 136		Photograph of GPS
Ex. 137		Photograph of GPS
Ex. 138		Photograph of GPS
Ex. 139		Photograph of GPS
Ex. 140		Photograph of GPS

**O'Shea Law Firm, LLC**

s/Brooklyn A. O'Shea

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individually and as Personal Representative  
of the Estate of Edward Barnett*

November 15, 2021  
Charleston, South Carolina

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing instrument was served on the Court and all counsel of Record in compliance with the Federal Rules of Civil Procedure this 15<sup>th</sup> day of November, 2021.

s/Brooklyn A. O'Shea